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March 27, 2009

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Jeff S. Jordan, Esq.
Supervisory Attorney, Complaints
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Rc: MUR 6176
Response of Political Action Committee of the Housing and Building
Association of Colorado Springs and the Pikes Peak Region

Dear Mr. Jordan:

This letter and the attached materials constitute the response to the letter of March 3, 2009 addressed to the Housing and Building Association of Colorado Springs in the referenced matter. As an initial matter, we request that the Commission substitute the "Political Action Committee of the Housing and Building Association of Colorado Springs and the Pikes Peak Region" (HBA PAC) as the proper party in this matter in lieu of the "Housing and Building Association of Colorado Springs [and the Pikes Peak Region]". As stated in the attached affidavit of Kevin J. Walker (Exhibit A), the HBA PAC is a separately incorporated organization from the Housing and Building Association of Colorado Springs and the Pikes Peak Region with a separate governing board and separate finances. (Copies of the documents demonstrating their separate corporate status are attached as Exhibits B and C.) As Mr. Walker's affidavit demonstrates, the allegations raised in the complaint in this matter actually relate to the HBA PAC rather than to the Housing and Building Association of Colorado Springs and the Pikes Peak Region. Thus, HBA PAC is the proper party to respond in this matter.

With respect to the merits of the complaint, the attached affidavit of Mr. Walker, the Chairman of HBA PAC, demonstrates that HBA PAC did not make a contribution to the Rayburn campaign nor did it ever intend to do so. While HBA PAC had initially intended that a poll be conducted for which both the Rayburn campaign and the Crank campaign would reimburse HBA PAC, the poll was not conducted within the timeframe and parameters agreed between the two campaigns and HBA PAC. Based upon the defects and irregularities in the conduct of the poll, HBA PAC determined that it would not release the results of the poll. Consistent with the decision of HBA PAC, the Rayburn campaign, having learned of the irregularities and defects in the poll,

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Jeff S. Jordan, Esq.
March 27, 2009
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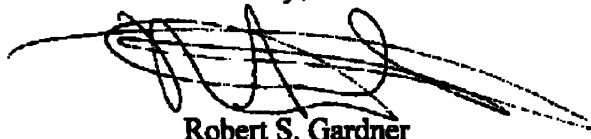
specifically refused to accept or take possession of the poll results. Based upon these facts and circumstances, the HBA PAC determined that the Rayburn campaign was not liable for any of the costs of the poll.

In contrast, the Crank campaign, while it knew that the poll was not conducted in accordance with the parameters and timeframe agreed between the campaigns, elected to take possession and make use of the poll. Based upon the fact that the Crank campaign did gain access to the poll and made use of its results, the HBA PAC requested that the Crank campaign pay for its proportionate share of the costs of the poll.

The facts, as set forth in Mr. Walker's affidavit, demonstrate that HBA PAC did not make a contribution to the Rayburn campaign nor did the Rayburn campaign derive any benefit from the poll conducted by HBA PAC and was not required to reimburse HBA PAC for the costs of the poll. As such, there was no violation of the federal election laws or regulations.

Therefore, we respectfully request that the complaint be dismissed, as it does not warrant the use of Commission resources. If you have any questions or need any further clarification of the facts and circumstances in this matter, please contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert S. Gardner', with a long horizontal flourish extending to the right.

Robert S. Gardner

Attachments: as stated

cc: Kevin J. Walker, Chairman
Political Action Committee of
HBA of Colo Springs and Pikes
Peak Region

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ABOVE SPACE FOR OFFICE USE ONLY

Articles of Incorporation for a Nonprofit Corporation
filed pursuant to §7-90-301, et seq. and §7-122-101 of the Colorado Revised Statutes (C.R.S.)

1. Entity name:

POLITICAL ACTION COMMITTEE OF THE HOUSING AND BUILDING ASSOCIATION OF COLORADO
SPRINGS AND THE Pikes Peak Region

(The name of a nonprofit corporation may, but need not, contain the term or abbreviation
"corporation", "incorporated", "company", "limited", "corp.", "inc.", "co." or "ltd."
§7-90-601, C.R.S.)

2. Use of Restricted Words (if any of these
terms are contained in an entity name, true
name of an entity, trade name or trademark
stated in this document, mark the applicable
box):

- ☐ "bank" or "trust" or any derivative thereof
☐ "credit union" ☐ "savings and loan"
☐ "insurance", "casualty", "mutual", or "surety"

3. Principal office street address:

4585 Hilton Parkway

(Street name and number)

Suite 100

Colorado Springs

(City)

CO

(State)

80907

(Postal/Zip Code)

United States

(Country - if not US)

(Province - if applicable)

4. Principal office mailing address:
(if different from above)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

(Province - if applicable)

(Country - if not US)

5. Registered agent: (if an individual):

Gardner

(Last)

Robert

(First)

S.

(Middle)

(Suffix)

OR (if a business organization):

6. The person appointed as registered agent in the document has consented to being so appointed.

7. Registered agent street address:

128 S. Tejon St.

(Street name and number)

Suite 206

Colorado Springs

(City)

CO

(State)

80903

(Postal/Zip Code)

8. Registered agent mailing address:
(if different from above)

(Street name and number or Post Office Box information)

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(City) (State) (Postal/Zip Code)

(Province - if applicable) (Country - if not US)

9. If the corporation's period of duration
in less than perpetual, state the date on
which the period of duration expires:

(mm/dd/yyyy)

10. (Optional) Delayed effective date:

(mm/dd/yyyy)

11. Name(s) and address(es) of
incorporator(s): (if an individual)

Walker Kevin
(Last) (First) (Middle) (Suffix)

OR (if a business organization)

4585 Hilton Parkway
(Street name and number or Post Office Box information)
Suite 100
Colorado Springs CO 80907
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

(if an individual)

(Last) (First) (Middle) (Suffix)

OR (if a business organization)

(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

(if an individual)

(Last) (First) (Middle) (Suffix)

OR (if a business organization)

(Street name and number or Post Office Box information)

(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

(If more than three incorporators, mark this box ☐ and include an attachment stating the names and addresses of all incorporators.)

12. The nonprofit corporation is formed under the Colorado Revised Nonprofit Corporation Act.

13. The corporation will ☐ OR will not ☒ have voting members.

14. A description of the distribution of assets upon dissolution is attached.

15. Additional information may be included pursuant to §7-122-102, C.R.S. and other organic statutes. If applicable, mark this box ☐ and include an attachment stating the additional information.

Notice:

Causing this document to be delivered to the secretary of state for filing shall constitute the affirmation or acknowledgment of each individual causing such delivery, under penalties of perjury, that the document is the individual's act and deed, or that the individual in good faith believes the document is the act and deed of the person on whose behalf the individual is causing the document to be delivered for filing, taken in conformity with the requirements of part 3 of article 90 of title 7, C.R.S., the constituent documents, and the organic statutes, and that the individual in good faith believes the facts stated in the document are true and the document complies with the requirements of that Part, the constituent documents, and the organic statutes.

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<u>Gardner</u>	<u>Robert</u>	<u>S.</u>	
<small>(Last)</small>	<small>(First)</small>	<small>(Middle)</small>	<small>(Suffix)</small>
<u>128 S. Tejon St.</u>			
<small>(Street name and number or Post Office Box information)</small>			
<u>Suite 206</u>			
<small>(Street name and number or Post Office Box information)</small>			
<u>Colorado Springs</u>	<u>CO</u>	<u>80903</u>	
<small>(City)</small>	<small>(State)</small>	<small>(Postal/Zip Code)</small>	
<u>United States</u>			
<small>(Province - if applicable)</small>		<small>(Country - if not US)</small>	

(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box ☐ and include an attachment stating the name and address of such individuals.)

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ADDITIONAL SPACE FOR OFFICE USE ONLY

Annual Report

filed pursuant to §7-90-301, et seq. and §7-90-501 of the Colorado Revised Statutes (C.R.S.)

ID number: 19871158580

Entity name: THE HOUSING & BUILDING ASSOCIATION OF COLORADO SPRINGS AND PINES PEAK REGION

Jurisdiction under the law of which the entity was formed or registered: Colorado

1. Principal office street address: 4585 HILTON PKWY STE 100
(Street name and number)
COLORADO SPRINGS CO 80907
(City) (State) (Postal/Zip Code)
United States
(Province - if applicable) (Country - if not US)

2. Principal office mailing address: (if different from above)
(Street name and number or Post Office Box information)
(City) (State) (Postal/Zip Code)
(Province - if applicable) (Country - if not US)

3. Registered agent name: (if an individual) ZENTZ RENEE A.
(Last) (First) (Middle) (Suffix)

OR (if a business organization)

4. The person identified above as registered agent has consented to being so appointed.

5. Registered agent street address:

4585 HILTON PKWY STE 100

(Street name and number)

COLORADO SPRINGS

(City)

CO

(State)

80907

(Postal/Zip Code)

6. Registered agent mailing address:
(if different from above)

(Street name and number or Post Office Box information)

(City)

(State)

(Postal/Zip Code)

(Province - if applicable)

(Country - if not US)

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7. Name(s) and address(es) of the
individual(s) causing the document
to be delivered for filing:

Zentz

(Last)

Renee

(First)

A

(Middle)

(Suffix)

4585 Hilton Parkway

(Street name and number or Post Office Box information)

Suite 100

Colorado Springs

(City)

CO

(State)

80907

(Postal/Zip Code)

United States

(Province - if applicable)

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(The document need not state the true name and address of more than one individual. However, if you wish to state the name and address of any additional individuals causing the document to be delivered for filing, mark this box ☐ and include an attachment stating the name and address of such individuals.)

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STATEMENT OF DESIGNATION OF COUNSEL

MUR #6176

Name of Counsel: Robert S. Gardner
Firm: Law Office of Robert S. Gardner
Address: 128 S. Tejon St., Suite 206
Colorado Springs, CO 80903
Telephone Office: 719-599-7309
Fax: 719-599-0936

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MUR 6176

The above-named individual and firm are hereby designated as counsel for the respondent named below and are authorized to receive any notifications and other communications from the Commission and to act on behalf of the respondent before the Commission.

Respondent:

**POLITICAL ACTION COMMITTEE OF THE
HOUSING AND BUILDING ASSOCIATION OF
COLORADO SPRINGS AND THE PIKES PEAK REGION**

By:


Kevin J. Walker, Chairman

Date

3/25/09

Respondent's Address and Telephone:

Kevin J. Walker, Chairman
HBA PAC
c/o Housing and Building Association of the Pikes Peak Region
4585 Hilton Parkway, Suite 100
Colorado Springs, CO 80907
Telephone: 719-593-2600

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